IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

TYRONE LUCAS, #217644,	)	
	)	
Plaintiff,	)	
v.	)	C/A No. 0:05-2007
	)	
WILLIE LEE EAGLETON, Warden of Evans	)	
Correctional Institution; ROLAND McFADDEN,	)	
Associate Warden of Evans Correctional	)	
Institution; TINA CRIB, Employee at Evans	)	
Correctional Institution; ANNIE McCORMICK-	)	
SELLERS, Captain at Evans Correctional	)	
Institution; MARY WILLIAMSON, Employee at	)	
Evans Correctional Institution; NFN MOULTRIE,	)	
Sergeant at Evans Correctional Institution; and	)	
ROBIN CHAVIS, Employee at Evans Correctional	)	
Institution,	)	
	)	
Defendants.	)	
	)	

ORDER

Plaintiff Tyrone Lucas ("Lucas") filed the instant pro se action on July 19, 2005, pursuant to 42 U.S.C. § 1983, alleging the defendants violated his constitutional rights. (Doc. #1). On February 15, 2007, the defendants filed the pending motion for summary judgment. (Doc. #53). Lucas filed his response to the pending motion on March 5, 2007. (Doc. #59). The defendants replied on March 28, 2007. (Doc. #65).

This matter now comes before the Court for review of the Report and Recommendation ("the Report") filed by United States Magistrate Judge Bristow Marchant, to whom this case had been previously assigned. (Doc. #71). In the Report, issued on April 24, 2007, Magistrate Judge Marchant recommends the defendants' summary judgment motion be granted, with prejudice, with

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respect to Lucas' claims concerning his disciplinary hearing, his failure to protect claim with respect to the incident involving inmate Samuel, and his claim regarding having to pay for some or all of his medical treatment. Id. Magistrate Judge Marchant further recommends the defendants' summary judgment motion be granted, without prejudice, with respect to Lucas' claims concerning having been in danger after having been identified as a "snitch," based on Lucas' failure to exhaust his administrative remedies. Id. Lucas filed objections to the Report on May 24, 2007. (Doc. #74).

In conducting this review, the Court applies the following standard:

> The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report, the objections thereto, and the relevant filings in this case, the Court accepts the Report. Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** the defendants' motion for summary judgment be **GRANTED, WITH PREJUDICE**, with respect to Lucas' claims concerning his disciplinary hearing, his failure to protect claim with respect to the incident involving inmate Samuel, and his claim regarding having to pay for some or all of his medical treatment, and **GRANTED, WITHOUT PREJUDICE**, with respect to Lucas' claims concerning having been in danger after having been identified as a "snitch," based on Lucas' failure to exhaust his

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administrative remedies. In light of this order, all pending motions are hereby rendered moot.

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

August 23, 2007
Florence, South Carolina